

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TAMMIE DAVIS, an individual, and
VALERIA LLETGET, an individual, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

COLE HAAN COMPANY STORE, a Maine
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

STEFANI CONCEPCION, an individual, on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

COLE HAAN COMPANY STORE, a Maine
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Consolidated Case No. 11-cv-01826-JSW

**DECLARATION OF JENNIFER M. KEOUGH
REGARDING NOTICE DISSEMINATION,
CLAIMS ADMINISTRATION, AND
INTERNET POSTING**

Date: October 11, 2013
Time: 9:00 a.m.
Judge: Hon. Jeffrey White
Crtrm: 11, 19th Floor

Hon. Jeffrey S. White
Courtroom 11, 19th Floor

1 I, JENNIFER M. KEOUGH, declare as follows:

2 1. I am Chief Operating Officer of The Garden City Group, Inc. ("GCG"). The
3 following statements are based on my personal knowledge and information provided by other
4 GCG employees working under my supervision and, if called on to do so, I could and would
5 testify competently thereto.

6 2. GCG was selected and engaged in the above-captioned litigation to serve as claims
7 administrator for the parties' settlement as described in the Settlement Agreement and Release
8 (the "Settlement Agreement") that was preliminarily approved by this Court in its Preliminary
9 Approval and Provisional Class Certification Order (the "Preliminary Approval Order").¹ I
10 submit this declaration in order to provide the Court with information regarding the dissemination
11 of Notice, Claims Administration, and the posting of the Full Notice and the Claim Form on the
12 official settlement website, www.daviscolehaansettlement.com (the "Settlement Website"), in
13 accordance with the Preliminary Approval Order and as set forth in Paragraph 3.3 of the
14 Settlement Agreement.

15 DISSEMINATION OF NOTICE

16 3. Email Notice. Pursuant to the Preliminary Approval Order and Paragraph 3.3(b)
17 of the Settlement Agreement, GCG formatted emails containing the Email Notice for each Class
18 Member for whom Cole Haan had a facially valid email address, including Class Members who
19 previously indicated that they did not wish to receive any communications from Cole Haan. On
20 July 2, 2013, GCG caused the Email Notice to be emailed to 8,601 email addresses. A sample of
21 the Email Notice is attached hereto as **Exhibit A**.

22 4. Direct Mail Notice. Pursuant to the Preliminary Approval Order and Paragraph
23 3.3(c) of the Settlement Agreement, GCG formatted postcards containing the Direct Mail Notice
24 for each Class Member who was not sent Email Notice and for whom Cole Haan had a facially
25 valid United States postal address, including Class Members who previously indicated that they
26 did not wish to receive any communications from Cole Haan. Prior to sending the Direct Mail

27 _____
28 ¹ Unless otherwise defined or identified herein, all capitalized terms shall have the same meaning
as set forth in the Settlement Agreement.

1 Notice by U.S. Mail, GCG updated Class Members' postal addresses using the National Change
2 of Address ("NCOA") database.² On July 2, 2013, GCG caused the Direct Mail Notice to be
3 mailed to 7,594 individuals. A sample of the Direct Mail Notice is attached hereto as **Exhibit B**.

4 5. Internet Publication. Pursuant to the Preliminary Approval Order and Paragraph
5 3.3(a) of the Settlement Agreement, GCG established the Settlement Website on July 2, 2013.
6 The Settlement Agreement was continuously available from July 2, 2013 through August 31,
7 2013, and during that time it was accessible 24 hours per day, seven days per week. GCG posted
8 the Complaint, Settlement Agreement, Preliminary Approval Order, Full Notice, Claim Form,
9 and within three Court days after it was filed, Class Counsel's fee motion on the Settlement
10 Website. From July 2, 2013 through August 31, 2013, the Settlement Website allowed Class
11 Members to (i) print and download the Full Notice and Claim Form in PDF electronic form, and
12 (ii) access and submit their Claim Form electronically online. Copies of the Full Notice and
13 Claim Form are attached hereto as **Exhibit C** and **Exhibit D**, respectively.

14 CLAIMS ADMINISTRATION

15 6. Pursuant to the Order, claimants were required to submit Claim Forms postmarked
16 by August 31, 2013. As of September 1, 2013, GCG had received and processed 91 timely Claim
17 Forms, of which three (3) were submitted via mail and 88 were submitted online. Therefore,
18 according to paragraph 2.1 of the Settlement Agreement, GCG anticipates sending class members
19 a total of 91 \$20.00-off Vouchers and over 13,700 30%-off Vouchers.

20 OBJECTIONS

21 7. Pursuant to paragraph 3.9 of the Settlement Agreement, Class Members who
22 wished to object to the Settlement were required to file their objection with the Court no later than
23 August 31, 2013. From July 2, 2013 through August 31, 2013, GCG did not receive any
24 objections from Class Members—timely or otherwise. However, GCG is aware that the Court
25 received one objection.

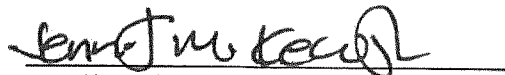
26
27 ² The NCOA database is an official United States Postal Service technology product, which makes change of address
28 information available to mailers to help reduce undeliverable mail pieces before mail enters the mailstream. This
product is an effective tool to update address changes when a person has completed a change of address form with
the Post Office. The U.S. Postal Service maintains address information on the database for 48 months.

EXCLUSION REQUESTS

8. Pursuant to paragraph 3.10 of the Settlement Agreement, Class Members who wished to be excluded from the Settlement were required to submit their exclusion requests to GCG, postmarked no later than August 31, 2013. From July 2, 2013 through August 31, 2013, GCG received one timely, valid exclusion request from a Class Member. The individual who requested exclusion is listed in **Exhibit E**, attached hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed September 3, 2013, at Seattle, Washington.


Jennifer M. Keough

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